

LEGAL SEPARATION WITHOUT CHILDREN For Respondent Only

Do not copy
or file this page

3

Respond

Part 3: Respond to a Petition for Legal Separation
(Forms Packet)



SELF-SERVICE CENTER

LEGAL SEPARATION WITHOUT CHILDREN

Part 3: Respond to a Petition for Legal Separation (Forms Only)

How to assemble these documents

This packet contains court forms to respond to a "Petition for Legal Separation - Without Children." Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	DRLSA3ft	Table of forms in this packet	1
2	DRLSA3k	Checklist to file for legal separation	1
3	DRLSA31f	<i>"Response to Petition for Legal Separation-- Without Children"</i>	6
4	DRAD10f	<i>"Alternative Dispute Resolution Statement to the Court"</i>	1

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

SELF SERVICE CENTER

RESPONSE TO PETITION AND PAPERS FOR LEGAL SEPARATION WITH OUT CHILDREN

CHECKLIST

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You want to file a response to a Petition for Legal Separation, **AND**
- ✓ You and your spouse have no children with each other AND the wife is not pregnant by the husband or will not be pregnant by the husband before the judge signs the Legal Separation Decree, **AND**
- ✓ You do not agree with what your spouse wrote in the Petition.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

Name of Person Filing Document: _____
 Your Address: _____
 Your City, State, Zip Code: _____
 Your Telephone Number: _____
 ATLAS #: (if applicable) _____
 Representing ☐ Self or Attorney for ☐ Petitioner or ☐ Respondent

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

 (Name of Petitioner)

Case Number: _____

RESPONSE TO PETITION FOR LEGAL SEPARATION WITHOUT CHILDREN

 (Name of Respondent)

STATEMENTS MADE TO THE COURT, UNDER OATH: GENERAL INFORMATION

1. ABOUT MY SPOUSE, THE PETITIONER

Name: _____
 Address: _____
 Date of Birth: _____
 Occupation: _____
 Starting with today, number of months/years in a row, my spouse has lived in Arizona: _____

2. ABOUT ME, THE RESPONDENT

Name: _____
 Address: _____
 Date of Birth: _____
 Occupation: _____
 Starting with today, number of months/years in a row, I have lived in Arizona: _____

3. ABOUT OUR MARRIAGE

Date of Marriage: _____
 City and state or country where we were married: _____

4. ABOUT THE LEGAL SEPARATION

- ☐ I want to be legally separated from my spouse, OR
☐ I do not want to be legally separated from my spouse because my marriage is over and I want to be divorced.

INFORMATION ABOUT PROPERTY AND DEBTS

Instructions: You must be specific. You must describe the property and debt that should go to you or be paid by you and then check the box. You must then describe the property and debt that should go to or be paid by your spouse, and check the box. For example, under household furnishings you could say, blue and white living room sofa, and then check the box to say whether it should go to you or to your spouse. Never list an item and check both the Petitioner and the Respondent box.

5.a. COMMUNITY PROPERTY: (check one box)

- ☐ My spouse and I did not acquire any community property during the marriage, OR
☐ My spouse and I acquired community property during our marriage, and we should divide it as follows:

Description of property	My Spouse Petitioner	Me Respondent	Value
<input type="checkbox"/> Real estate at: _____ Legal Description: _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
<input type="checkbox"/> _____ Real estate at: _____ Legal Description: _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
<input type="checkbox"/> Household furniture and appliances:			
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
<input type="checkbox"/> Household furnishings:			
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
<input type="checkbox"/> Other items:			
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

DESCRIPTION OF PROPERTY/

<input type="checkbox"/> Pension/retirement fund/profit sharing/stock plan/401K:			
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

Case No. _____

	My Spouse	Me	Value
	Petitioner	Respondent	
<input type="checkbox"/> Motor vehicles:			
Make: _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
Model: _____			
VIN Number: _____			
Lien Holder: _____			
 Make: _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
Model: _____			
VIN Number: _____			
Lien Holder: _____			

5.b. SEPARATE PROPERTY. (Check all boxes that apply.)

- ☐ I do not have any property that I brought into the marriage or separate property.
- ☐ My spouse, the Petitioner does not have any property that he or she brought into the marriage or separate property.
- ☐ I have property that I brought into the marriage or I have separate property. I want this property awarded to me as described it below.
- ☐ My spouse, the Petitioner, has property that he or she brought into the marriage or has separate property. I want this property awarded to my spouse as described below.

Separate Property: (List the property and the value of the property, and check the box to tell the Court who should get the property.)

Description of Property	My Spouse	Me	Value
	Petitioner	Respondent	
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

6.a. COMMUNITY DEBTS: (check one box)

- ☐ My spouse and I did not incur any community debts during the marriage, OR
- ☐ We should divide the responsibility for the debts incurred during the marriage as follows:

Description of debt/	My Spouse	Me	Amount
	Petitioner	Respondent	
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

6.b. SEPARATE DEBTS. (Check all boxes that apply.)

- ☐ My spouse and I do not have any debts that were incurred prior to the marriage or separate debt, **OR**
- ☐ I have separate debt or debt that I incurred prior to the marriage that should be paid by me as described below:

- ☐ My spouse has separate debt or debt that he or she incurred prior to the marriage that should be paid by my spouse as described below:

Description of debt/	My Spouse Petitioner	Me Respondent	Amount
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

7. TAX RETURNS: (Check this box if this is what you want).

☐ After the Judge or Commissioner signs the Decree of Legal Separation, we will pay federal and state taxes as follows: For previous years the parties will file joint federal and state income tax returns. In addition, for previous calendar years, both parties will pay and hold the other harmless from 1/2 of all additional income taxes if any and other costs, and each will share equally in any refunds.

For this calendar year (the year that the Decree is signed) and all future calendar years, each party will file

☐ Joint Tax Returns or ☐ Separate Tax Returns.

8. SPOUSAL MAINTENANCE (ALIMONY) (check the box that applies to you):

☐ Neither party is entitled to Spousal Maintenance/support (alimony), **OR**
☐ Petitioner **OR** ☐ Respondent is entitled to Spousal Maintenance/support because: (Check one or more of the box(es) below that apply. At least one reason must apply to get spousal maintenance/support.)

- ☐ Person lacks sufficient property to provide for his or her reasonable needs;
- ☐ Person is unable to support himself/herself through appropriate employment;
- ☐ Person is the custodian of a child(ren) whose age or condition is such that the person should not be required to seek employment outside the home;
- ☐ Person lacks earning ability in the labor market adequate to support himself or herself; and,
- ☐ Person contributed to the educational opportunities of the other spouse or had a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself/herself.

9. PREGNANCY

- ☐ Wife is not pregnant, **OR**
☐ Wife is pregnant
 The baby is due on _____ (date), (and, check one box below):
- ☐ The Petitioner and Respondent are the parents of the child, **OR**
 - ☐ Petitioner is not the parent of the child, **OR**
 - ☐ Respondent is not the parent of the child.

WARNING. If wife is pregnant and the Petitioner and the Respondent are the parents of the child, **STOP. YOU MUST FILE THE PAPERS FOR LEGAL SEPARATION WITH CHILDREN.**

- 10. SUMMARY OF WHAT I ASKED FOR THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION:** (Here summarize what is different between you want and what your spouse asked for.) _____

- 11. CONCILIATION.** ☐ True or ☐ False. (Check one box.) The conciliation requirements under Arizona law either do not apply or have been met. (This must be a true statement or you cannot file for Legal Separation.)

- 12. GENERAL DENIAL:** I deny anything stated in the Petition that I have not specifically admitted, qualified, or denied.

REQUESTS TO THE COURT:

- A. LEGALLY SEPARATE OR CHANGE TO DIVORCE:** ☐ Legally separate the parties or ☐ Change this case to a divorce case because my marriage is over and either I or my spouse have lived in Arizona for the last 90 days.

- B. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):**
☐ Order spousal maintenance/support to be paid by ☐ Petitioner, or ☐ Respondent through the Clerk of the Court/Clearinghouse in the amount of _____ per month, and the statutory fee, beginning with the first day of the month after the judge or commissioner signs the Decree of Legal Separation and continuing until the person receiving the spousal maintenance/support is deceased, or for _____ months.

- C. COMMUNITY PROPERTY:** ☐ Make a fair division of all community property as requested in this Response.

- D. COMMUNITY DEBTS:** ☐ Order each party to pay community debts as requested in this Response, and to pay any other community debts unknown to the other party. Order each party to pay and hold the other party harmless from debts incurred by him or her since the parties separation on (date):

- E. SEPARATE PROPERTY AND DEBT:** ☐ Award each party his/her separate property and debt.

- F. OTHER ORDERS I AM REQUESTING (Explain request here):**

Case No. _____

OATH OR AFFIRMATION AND VERIFICATION

I swear or affirm that the information on this document is true and correct under penalty of perjury.

Signature

Date

Sworn to or Affirmed before me this: _____ by _____
(date)

My Commission Expires: _____

Deputy Clerk or Notary Public

Copy of the foregoing mailed to
the other party or his or her attorney on
_____ at
month/day/year

the following address:

Name: _____
 Mailing Address: _____
 City, State, Zip Code: _____
 Daytime Phone Number: _____
 Evening Phone Number: _____
 Representing: ☐ Self ☐ Petitioner ☐ Respondent
 State Bar Number: _____

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

 Petitioner

Case No. _____

ATLAS No. _____

 Respondent

ALTERNATIVE DISPUTE RESOLUTION STATEMENT TO THE COURT A.R.C.P. 16(g)(2)

Check appropriate box below:

☐ Petitioner's Statement

☐ Respondent's Statement

☐ Joint Statement (signed by both parties)

Pursuant to the Arizona Rules of Family Law Procedure, we hereby state the following, under penalty of perjury:

1. ☐ The parties agree to participate in the following Alternative Dispute Resolution (ADR) process and:
 - a. have selected the following ADR process:
 - ☐ Arbitration
 - ☐ Mediation
 - ☐ Settlement Conference
 - ☐ Other: _____
 - b. ☐ The parties will use a private provider OR
☐ The parties request a program provided through the court.
 - c. The person or company providing the ADR service is: _____
 - d. The parties expect to complete the ADR process by _____, ____.
2. ☐ The parties have been unable to agree on an ADR process.
 - ☐ The ☐ Petitioner ☐ Respondent believe(s) that the following ADR process would be appropriate: _____
 - ☐ The ☐ Petitioner ☐ Respondent request(s) a conference to discuss ADR.
 - ☐ The ☐ Petitioner ☐ Respondent believe(s) that an ADR process would not be appropriate for the following reason: _____

 Date

 Petitioner

 Date

 Respondent